

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA – OAKLAND DIVISION

RYAN GREKO, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

DIESEL U.S.A., INC., a New York
corporation; and DOES 1-100, inclusive,

Defendants.

Case No. 4:10-CV-02576-YGR

**AMENDED [~~PROPOSED~~] NOTICE OF
PENDENCY OF CLASS ACTION**

JUDGE: Hon. Yvonne Gonzalez Rogers
COURTROOM: For appearance at the
Oakland Courthouse, 1301 Clay Street,
Oakland, CA 94612
ACTION FILED: June 20, 2010

**NOTICE TO ALL INDIVIDUALS EMPLOYED BY DIESEL U.S.A. INC. AS
ASSISTANT STORE MANAGERS IN CALIFORNIA FROM APRIL 23, 2006
THROUGH THE PRESENT:**

You are currently designated a member of the plaintiff class in the above-entitled class action concerning the classification of Assistant Store Managers as exempt, i.e, salaried employees. A class action is a lawsuit in which one or more persons bring a lawsuit on behalf of themselves and others who may have similar claims.

**IF YOU ARE A MEMBER OF THIS CLASS, YOU SHOULD READ THIS
NOTICE BECAUSE IT WILL AFFECT YOUR RIGHTS.**

The Court has no opinion on the merits of the claims or defenses asserted by either side in this litigation. This notice is also not an expression of any opinion by the Court as to the merits of this litigation. The sole purpose of this notice is to inform you of the lawsuit so that you can make an informed decision as to whether you should remain in or opt out of this class action.

BACKGROUND OF THE CASE

Plaintiff Ryan Greko was employed by Defendant Diesel U.S.A., Inc. as an Assistant Store Manager from November 2007 to April 2010. He was classified as an exempt employee, not entitled to overtime compensation. He challenged this classification in a lawsuit filed on April 23, 2010 in San Francisco Superior Court, City and County of San Francisco. On June 20, 2010, the Defendant removed this case to the United States District Court, Northern District of California. On October 26, 2011, the Court granted Plaintiff Greko's motion for class certification.

NATURE OF THE CLAIMS

The Court has certified a plaintiff class for the following claims:

1. Failure to pay all wages and overtime as required by law;
2. Failure to pay minimum wages as required by law;

3. Failure to pay wages due on separation as required by law;
4. Failure to provide meal and rest breaks as required by law;
5. Failure to maintain accurate pay records as required by law;
6. Unfair business practices;
7. Unjust enrichment; and
8. Declaratory relief.

Defendant has denied liability and has denied the allegations in the complaint.

YOUR RIGHTS AS A CLASS MEMBER

Whether You Remain In the Class Is Up To You. The Court expresses no opinion on whether you should or should not remain in the Class. That is your voluntary decision.

What Do I Need To Do To Remain In The Class? If you want to remain in the Class, YOU DO NOT NEED TO TAKE ANY ACTION. If you remain in the Class, any claims you may have against Diesel U.S.A., Inc. arising from matters alleged in this lawsuit will be decided in this case. You will not be able to present the claims in another lawsuit.

What Do I Need To Do TO Exclude Myself From The Class? If you do not want to be part of the Class, you must complete and return the pre-paid postcard that is included with this packet. THE POSTCARD MUST BE POSTMARKED ON OR BEFORE May ____, 2012.

If you request to be excluded from the Class, you will not share in any money damages (if any) that may be recovered in the class action; you will not be bound by any judgment in the class action, including a judgment in favor of Diesel USA, Inc.; and you will be free to pursue any legal claims you have against Diesel U.S.A., Inc. by filing your own lawsuit.

ATTORNEYS FOR THE CLASS

The following attorneys have been appointed to represent the Class. These attorneys will represent the class on a contingent basis, without charge to any class member. These attorneys will represent you as part of the Class unless you choose your own attorney. You have a right to

1 hire your own attorney to represent you if you wish. These attorneys will not represent you if
2 you choose to opt out or exclude yourself from the Class.

3
4 Daniel L. Feder
Law Office of Daniel L. Feder
332 Pine Street, Suite 700
5 San Francisco, CA 94104
415-391-9476
6 415-391-9432 (facsimile)
danfeder@pacbell.net
7

8 Do not contact the Court about this notice or this lawsuit. If you have any questions about this
9 notice or this lawsuit, you may contact class counsel listed above. You may only discuss this
10 lawsuit with Diesel U.S.A., Inc. if you choose to opt-out or exclude yourself from the Class.

11 You should not talk to Diesel U.S.A., Inc. or its attorneys about this case or the subject matter of
12 this case before you opt-out. However, you are free to communicate with Diesel U.S.A., Inc.
13 and its employees and managers in the ordinary course of business regarding matters other than
14 this litigation.

15 **ATTORNEYS OF RECORD**

16 Copies of all documents filed with the Clerk of the Court should be sent to the following
17 counsel:

18 Daniel L. Feder
Law Office of Daniel L. Feder
19 332 Pine Street, Suite 700
San Francisco, CA 94104
20 415-391-9476
415-391-9432(facsimile)
21 danfeder@pacbell.net
22 **Attorneys for Ryan Greko and the Class**

1 Harry I. Johnson III
2 Stanley G. Stringfellow II
3 Arent Fox LLP
4 555 West Fifth Street
5 48th Floor
6 Los Angeles, California 90013
7 213.629.7400
8 213.629.7401 (facsimile)
9 johnson.harry@arentfox.com
10 stringfellow.stanley@arentfox.com
11 **Attorneys for Diesel U.S.A., Inc.**

12
13 **CHANGE OF ADDRESS**

14 If you move after receiving this notice or if it was misaddressed, you should supply your
15 name and correct address to:

16
17 THE CLERK OF THE COURT
18 United States District Court
19 Northern District of California
20 1301 Clay Street
21 Oakland, CA 94612

22
23 **THIS IS IMPORTANT SO THAT FUTURE NOTICES REACH YOU.**

24 The pleadings and all other records of this litigation may be examined and copied any
25 time during regular office hours in the office of the Clerk at the above listed address.

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1 DO NOT CALL OR WRITE TO THE COURT OR THE CLERK OF THE COURT,
2 UNLESS YOUR ADDRESS HAS CHANGED AND YOU NEED TO NOTIFY THE
3 CLERK OF THE COURT ABOUT THAT ADDRESS CHANGE. IF YOU HAVE
4 OTHER INQUIRIES, YOU MAY ADDRESS THEM IN WRITING TO THE
5 ATTORNEYS FOR THE CLASS SET FORTH ABOVE.

6
7
8 DATE: March 20, 2012



United States District Court Judge
YVONNE GONZALEZ ROGERS

PROPOSED POSTAGE PREPAID POSTCARD:

ELECTION TO BE EXCLUDED

I, _____[print name], hereby elect to opt-out of and be excluded from the Class Action on behalf of all Assistant Store Managers employed by Diesel U.S.A., Inc. in the State of California from April 23, 2006 through the present.

Signature

Printed Name

Street Address

City, State, Zip Code